

MEETING OF THE RECLAMATION BOARD
April 20, 2007

CONSENT

Exchange of Levee Easements, KB Home, San Joaquin County

The Reclamation Board acquired a levee easement from Western Pacific Housing in November 2005 for the PL 84/99 Cost-Shared, San Joaquin River, Reclamation 17, East Levee Project (Reclamation Board Parcel No. 13323). The easement is located along the landward side of the east levee of the San Joaquin River in the city of Lathrop, San Joaquin County and is 1.37 acres in size. The easement was recorded on February 22, 2006 and covers a portion of land that was earmarked for a Linear Park and proposed road right of way (Inland Passage Way).

KB Home entered into negotiations with Western Pacific Housing to purchase the property in March 2006. The title report dated March 1, 2006 did not disclose the presence of the Board's levee easement. KB Home was not aware of the levee easement until after the purchase of the property. When the easement was plotted, it was discovered that a portion of the easement encumber a portion of Inland Passage Way. The city of Lathrop is requiring KB Home to remove the encumbrance before it accepts the road.

The portion of the Board's easement which encroaches onto the proposed Inland Passage Way does not follow the existing levee but juts out and makes a 90 degree turn to rejoin the levee. The encumbered portion of the roadway is approximately 0.07 acres in size. A cursory analysis of the easement did not disclose any reason for the easement to encroach onto the proposed roadway. The levee repair work, a stability berm, has been completed and does not encroach onto the proposed roadway. Conjecture is that there may have been a ramp at this location in the past, but it does not exist today. The remainder of the Board's easement closely follows the east levee of the San Joaquin River.

KB Home contacted Reclamation District No. 17 and its engineering consultant, Kjeldsen, Sinnock & Neudeck, to see if there were any concerns regarding the proposed removal of the Board's easement within the proposed roadway. KSN reviewed the completed levee repair work and determined that the area located within the proposed Inland Passage Way was not needed for existing levee repair work or maintenance activities. KSN presented the proposed quitclaim to RD 17 Board at their July 20, 2006 meeting asking for and receiving their approval of the quitclaim. A copy of the minutes of the meeting are attached.

No compensation is required for this transaction as the Board will be gaining approximately 0.16 acres after the exchange of deeds. The Board will be quitclaiming the easement acquired by Deed No. 13323 (1.37 acres) and KB Home will be granting an easement to the Board over 5.07 acres of land. The explanation for the apparent disparity in size in area between the two deeds is that the Board and RD 17 have several levee easements which will be consolidated with the grant of the easement by KB Home. As stated above, there is a net gain of 0.16 acres to the Board. Attached

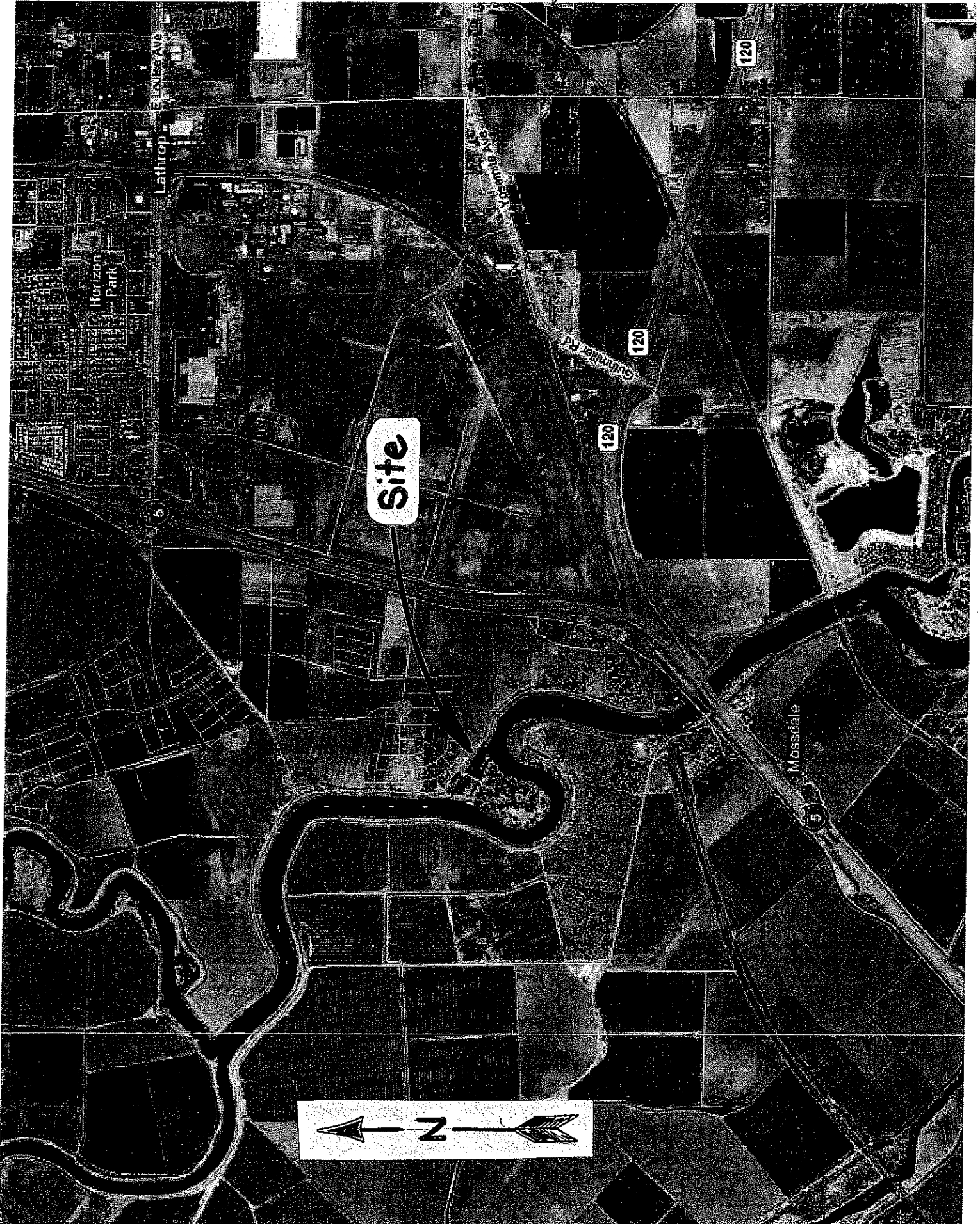
are exhibits which show the easement to be quitclaimed and the easement to be acquired.

Staff recommends that the Board consider approval of the exchange of easements between the Board and KB Home to correct the alignment of the levee easement along the east levee of the San Joaquin River in the city of Lathrop. The exchange will be accomplished with the Board quitclaiming Reclamation Board Deed No. 13323 consisting of 1.37 acres in exchange for an easement deed from KB Home consisting of 5.07 acres said deed designated as Reclamation Board Deed No. 13665.

Attachments:

Site Map
Quitclaim Deed
Easement Deed
RD 17 July 20, 2006 Meeting Minutes

Site Map



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, California 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

QUITCLAIM DEED

Project PL84/99 San Joaquin River East Levee
Reclamation District 17

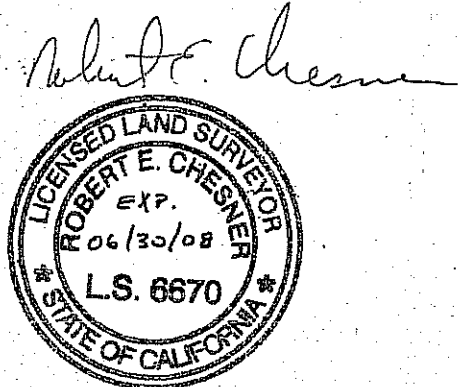
Parcel No. 2007-13323
153-C TR2-1132

The SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through THE RECLAMATION BOARD of the STATE OF CALIFORNIA, does hereby release and quitclaim to

KB HOME CENTRAL VALLEY INC., A CALIFORNIA CORPORATION

all right, title and interest in and to the hereinafter described real property:

All of that EASEMENT DEED granted from WESTERN PACIFIC HOUSING, INC. A DELAWARE CORPORATION to SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT as PARCEL 13323, recorded February 22, 2006, in Document Number 2006-039755, Official Records of San Joaquin County.



State of California
The Resources Agency
Department of Water Resources
THE RECLAMATION BOARD

Parcel No. 2007-13323

Executed this _____ day _____, of 20____

SACRAMENTO AND SAN JOAQUIN DRAINAGE
DISTRICT, acting by and through
The Reclamation Board of the State of California.

By _____
President

By _____
Secretary

Approved as to Legal Form

Signed and delivered in the presence of:

Counsel, The Reclamation Board

STATE OF CALIFORNIA

County of _____ } SS

On _____, 20____, before me, _____

personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who's name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf
of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, California 95814

APN241-020-051, -053

SPACE ABOVE THE LINE FOR RECORDER'S USE

EASEMENT DEED
(Corporation)

PL8484/99 San Joaquin River
Project Reclamation District 17 East Levee

Parcel No. 13665
153-C

KB HOME CENTRAL VALLEY INC., A CALIFORNIA CORPORATION

a corporation, organized and existing under and by virtue of the laws of the State of California, does hereby grant, convey, and dedicate to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT non-exclusive perpetual rights of way and easements in the hereinafter described real property situated in the County of Yuba, State of California, for any present or future flood control project to:

1. Construct, reconstruct, enlarge, fence, plant with trees, shrubs and other vegetation, preserve and retain all vegetative growth desirable for project purposes, repair and use flood control works, which shall include, but not be limited to, access, haul and patrol roads, levees, ditches, embankments, channels, berms, fences and appurtenant structures, and operate and maintain said flood control works in conformity with the Code of Federal Regulations, Corps of Engineers' Standard Operation and Maintenance Manual, and State of California Standards.
2. Clear and remove from said flood control works any or all natural or artificial obstructions, improvements, trees and vegetation necessary for construction, operation, maintenance, repair, reconstruction and emergence flood fight.
3. Flow waters and materials and by said flow erode.
4. Place or deposit earth, debris, sediment or other material.
5. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.
6. Locate or relocate roads and public utility facilities by grantee or others.
7. Restrict the rights of the grantor, his successors and assigns, without limitations, to explore, extract, remove, drill, mine or operate through the surface or upper 100 feet of the subsurface in exercise of the grantor's interest in any minerals, including oil and gas.
8. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

PARCEL 13665

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, BEING A PORTION OF SECTION THREE (3) AND A PORTION OF SECTION FOUR (4), TOWNSHIP TWO (2) SOUTH, RANGE SIX (6) EAST, MOUNT DIABLO BASE AND MERIDIAN, SAID CERTAIN REAL PROPERTY ALSO BEING A PORTION OF PARCEL ONE-A AND A PORTION OF PARCEL TWO OF THE LANDS GRANTED TO KB HOME CENTRAL VALLEY, INC. BY DEED RECORDED APRIL 27, 2006 IN DOCUMENT NO. 2006-091410, OFFICIAL RECORDS, COUNTY OF SAN JOAQUIN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF ABOVE MENTIONED SECTION 4, SAID NORTHEASTERLY CORNER OF SECTION 4 BEING MARKED BY A $\frac{3}{4}$ INCH IRON PIPE TAGGED L.S. 4876, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED MARCH 13, 1992 IN BOOK 31 OF SURVEYS AT PAGE 22, SAN JOAQUIN COUNTY RECORDS AND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED APRIL 25, 2001 IN BOOK 34 OF SURVEYS, AT PAGE 163, SAN JOAQUIN COUNTY RECORDS, SAID NORTHEASTERLY CORNER OF SECTION 4 BEING DISTANT THEREFROM SOUTH $02^{\circ}02'18''$ EAST, 2650.56 FEET FROM THE QUARTER SECTION CORNER OF SECTION THIRTY-THREE (33), TOWNSHIP ONE (1) SOUTH, RANGE SIX (6) EAST, MOUNT DIABLO BASE AND MERIDIAN, SAID QUARTER CORNER SHOWN AS A FOUND $\frac{3}{4}$ " IRON PIPE, TAGGED L.S. 4876 IN 4"x4" REDWOOD POST ON SAID RECORD OF SURVEY (34 SURVEYS 163), SAID QUARTER CORNER CURRENTLY BEING MARKED BY A STANDARD CITY OF LATHROP STREET MONUMENT STAMPED L.S. 6186 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON APRIL 15, 2006 IN BOOK 23 OF PARCEL MAPS AT PAGE 192, SAN JOAQUIN COUNTY RECORDS (SAID MONUMENT AT QUARTER CORNER BEING AT THE CENTERLINE INTERSECTION OF TOWNE CENTRE DRIVE AND GOLDEN SPIKE TRAIL);

THENCE FROM SAID POINT OF COMMENCEMENT, ALONG THE NORTHERLY LINE OF ABOVE MENTIONED SECTION 4, SAID LINE BEING COMMON WITH THE NORTHERLY LINE OF THE ABOVE MENTIONED LANDS OF KB HOME CENTRAL VALLEY INC., SAID LINE ALSO BEING COMMON WITH THE SOUTHERLY LINE OF THAT CERTAIN MAP ENTITLED, "TRACT NO. 3379, SUBDIVISIONS OF SAN JOAQUIN COUNTY, MOSSDALE LANDING-UNIT NO. 7" FILED FOR RECORD JULY 1, 2004 IN BOOK 39 OF MAPS AND PLATS AT PAGE 22, SAN JOAQUIN COUNTY RECORDS, NORTH $88^{\circ}52'18''$ WEST, 766.41 FEET, TO THE TRUE **POINT OF BEGINNING** FOR THIS DESCRIPTION;

THENCE FROM SAID **POINT OF BEGINNING**, LEAVING SAID COMMON LINE AND ENTERING SAID LANDS OF KB HOME CENTRAL VALLEY, INC., ALONG THE ARC OF CURVE TO THE LEFT, A RADIAL LINE TO WHICH BEARS NORTH $34^{\circ}53'28''$ EAST AT SAID POINT OF BEGINNING, SAID CURVE HAVING A RADIUS OF 1035.00 FEET, A CENTRAL ANGLE OF $06^{\circ}54'26''$ AND AN ARC LENGTH OF 124.78 FEET TO A POINT OF REVERSE CURVE;

THENCE FROM SAID POINT OF REVERSE CURVE ALONG A TANGENT CURVE TO THE RIGHT, A RADIAL LINE TO WHICH BEARS SOUTH $27^{\circ}59'02''$ WEST AT SAID POINT OF REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF $20^{\circ}34'58''$ AND ARC LENGTH OF 113.16 FEET;

THENCE SOUTH $41^{\circ}26'00''$ EAST, 191.53 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 335.00 FEET, A CENTRAL ANGLE OF $38^{\circ}42'27''$ AND ARC LENGTH OF 226.32 FEET TO A POINT OF REVERSE CURVE;

THENCE FROM SAID POINT OF REVERSE CURVE AND ALONG A TANGENT CURVE TO THE RIGHT, A RADIAL LINE TO WHICH BEARS SOUTH 09°51'33" WEST, AT SAID POINT OF REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 32°55'14" AND AN ARC LENGTH OF 287.29 FEET;

THENCE SOUTH 47°13'13" EAST, 79.65 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LANDS OF KB HOME CENTRAL VALLEY, INC., SAID LINE BEING COMMON WITH THE NORTHERLY LINE OF PARCEL ONE (1) AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD OCTOBER 20, 2005 IN BOOK 23 OF PARCEL MAPS AT PAGE 146, SAN JOAQUIN COUNTY RECORDS;

THENCE ALONG SAID COMMON LINE, SOUTH 88°24'44" WEST, 467.11 FEET TO THE SOUTHWESTERLY CORNER OF ABOVE MENTIONED PARCEL ONE-A OF THE LANDS GRANTED TO KB HOME CENTRAL VALLEY;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL ONE-A, NORTH 49°55'06" WEST, 910.11 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL ONE-A, SAID CORNER BEING ON THE SOUTHERLY LINE OF THE ABOVE MENTIONED, "TRACT NO. 3379, MOSSDALE LANDING-UNIT NO. 7,"

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL ONE-A, SAID LINE BEING COMMON WITH THE SAID SOUTHERLY LINE OF "TRACT NO. 3379, MOSSDALE LANDING-UNIT NO. 7," SOUTH 88°52'18" EAST, 335.60 FEET TO THE POINT OF BEGINNING.

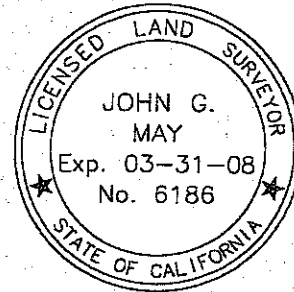
CONTAINING 5.07 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, CCS27.

THE DISTANCES PROVIDED IN THIS DESCRIPTION ARE GROUND DISTANCES. TO CONVERT TO GRID DIMENSIONS, MULTIPLY GROUND DISTANCES BY 0.999929125. THIS COMBINED SCALE FACTOR IS PER THE ABOVE MENTIONED RECORD OF SURVEY MAP (34 SURVEYS 163) AND IS SCALED ABOUT THE FOUND BOLT AND WASHER AT THE CENTERLINE OF LOUISE AVENUE AS SHOWN ON SAID RECORD OF SURVEY MAP.

END OF DESCRIPTION

APN: A PORTION OF 241-020-51 & 241-020-53



PREPARED BY:

John G. May
JOHN G. MAY L.S. 6186
LICENSE EXPIRATION DATE: 03/31/08

2/26/2007
DATE

State of California
The Resources Agency
Department of Water Resources
THE RECLAMATION BOARD

Parcel No. 13665

Grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages which will accrue to the remaining property of grantor by reason of its severance from that portion granted herein and the construction of the improvement in the manner presently proposed.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 20 ____.

[[Corporate Seal]]

President

Secretary

STATE OF CALIFORNIA

County of _____ } SS.

On _____, 20 ____, before me, _____
personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This is To Certify, That the real property or interests therein described in the within deed to the SACRAEMTNO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Reclamation Board of the State of California, a public agency, is hereby accepted on behalf of the grantee.

Dated _____, 20 ____.

THE RECLAMATION BOARD

By _____

(Title)
DEPARTMENT OF WATER RESOURCES

MINUTES OF RECLAMATION DISTRICT NO. 17

Thursday, July 20, 2006

A meeting of the Trustees of Reclamation District No. 17 was held in the offices of Nomellini, Grilli & McDaniels at 235 East Weber Avenue, Stockton, California on Thursday, July 20, 2006.

The meeting was called to order by Chairman Long at 9:05 a.m. Present were: Trustees Henry C. Long, Michael S. Robinson and Don L. Widmer, Attorney Dante J. Nomellini, Chris Neudeck, Kjeldsen, Sinnock & Neudeck, Scott Solari, Levee Superintendent and Secretary Everett E. Conway. Also in attendance were Chris Guenther, MacKay & Soms and Steve McMyrtry, KB Homes.

MINUTES:

It was moved by Widmer, seconded by Robinson to approve the minutes of Wednesday, May 31, 2006 as mailed. Motion carried..

FINANCIAL REPORT:

The secretary reported a June fund balance of \$329,703.47. A checking balance of \$2,004f.42.

Total funds available: \$331,707.89

WARRANTS PAID

3463	Ag. Comm.	Diphacin	\$ 396.90
3464	Pub. Works	Maint. March 06	17,848.38
3465	NG&McD	Pro. Ser. May 06	2,791.90
3466	Conway	Sec. Ser. June 06	450.00
3467	KS&N	Eng. Ser. May 06	27,938.50
			<u>\$49,425.69</u>

WARRANTS PAYABLE

3468	KS&N	Eng. Ser. June 06	\$23,850.84
3469	NG&McD	Pro. Ser. June 06	6,486.30
3470	Pub. Works	Maint. May 06	208.43
3471	CSI	Subsurface Survey	12,985.00
3472	Conway	Sec, Ser. July 06	450.00
3473	WCS/Ca	Labor Compliance Ser.	365.00
3474	R.D. 17	Reimburse Checking	3,00000
3475	KS&N	Reimburse Payment	7,911.20
			<u>\$55,256.57</u>

Total Funds Available: \$276,451.32

It was moved by Robinson, seconded by Widmer to accept the

financial report and approve the warrants paid and payable.
Motion carried.

LEVY OF ANNUAL ASSESSMENT 2006-2007:

Following discussion it was recommended that the 2006-2007 assessment be maintained at the current level.

It was moved by Robinson, seconded by Widmer that the Annual Assessment for 2006-2007 be maintained as currently set. Resolution attached.

ENGINEERS REPORT:

Levee evaluation

Neudeck reviewed FEMA's potential re-evaluation of the District's levees.

There was discussion regarding a Geotechnical survey. It was indicated that DWR will be making a study. It was suggested that the District not go forward on any plans at this time.

Following discussion, it was moved by Robinson, seconded by Widmer to authorize a letter to DWR stating that DWR should do the work regarding a Geotechnical survey. Motion carried.

Levee encroachment

Neudeck stated that the encroachments on lots 47, 48 & 49 are cleared up except for some concrete cleanup. Neudeck suggested that the District file suit asking for legal and engineering cost.

It was moved by Widmer, seconded by Robinson to request the above action. Motion carried.

Neudeck reviewed lots 7 & 8, owners Turner & West, on which the District had removed trees. Following discussion, it was moved by Widmer, seconded by Robinson, for the District to install fence on District line. Offer up to \$5,000 on the Turner lot. Nomellini to negotiate. Motion carried.

Regarding other encroachments, such as stairways on the levee, The District should send letters to homeowners stating District policy. Any construction must be flat with the levee and permits are required from R.D.17 and the Reclamation Board.

Levee easement

* Neudeck presented a request by KB Homes to quitclaim a

portion of levee easement due to a conflict with a City of Lathrop street.

Following discussion, it was moved by Robinson, seconded by Widmer to endorse or assist KB Homes in obtaining quitclaim and further to authorize acceptance of easement. Motion carried.

Oakwoodlake sheetpile

In regards to the sheetpile cut-off wall along the Walthall Slough levee, the State Reclamation Board is passing approval on to the Corps of Engineers.

CSI-Electromagnetic survey

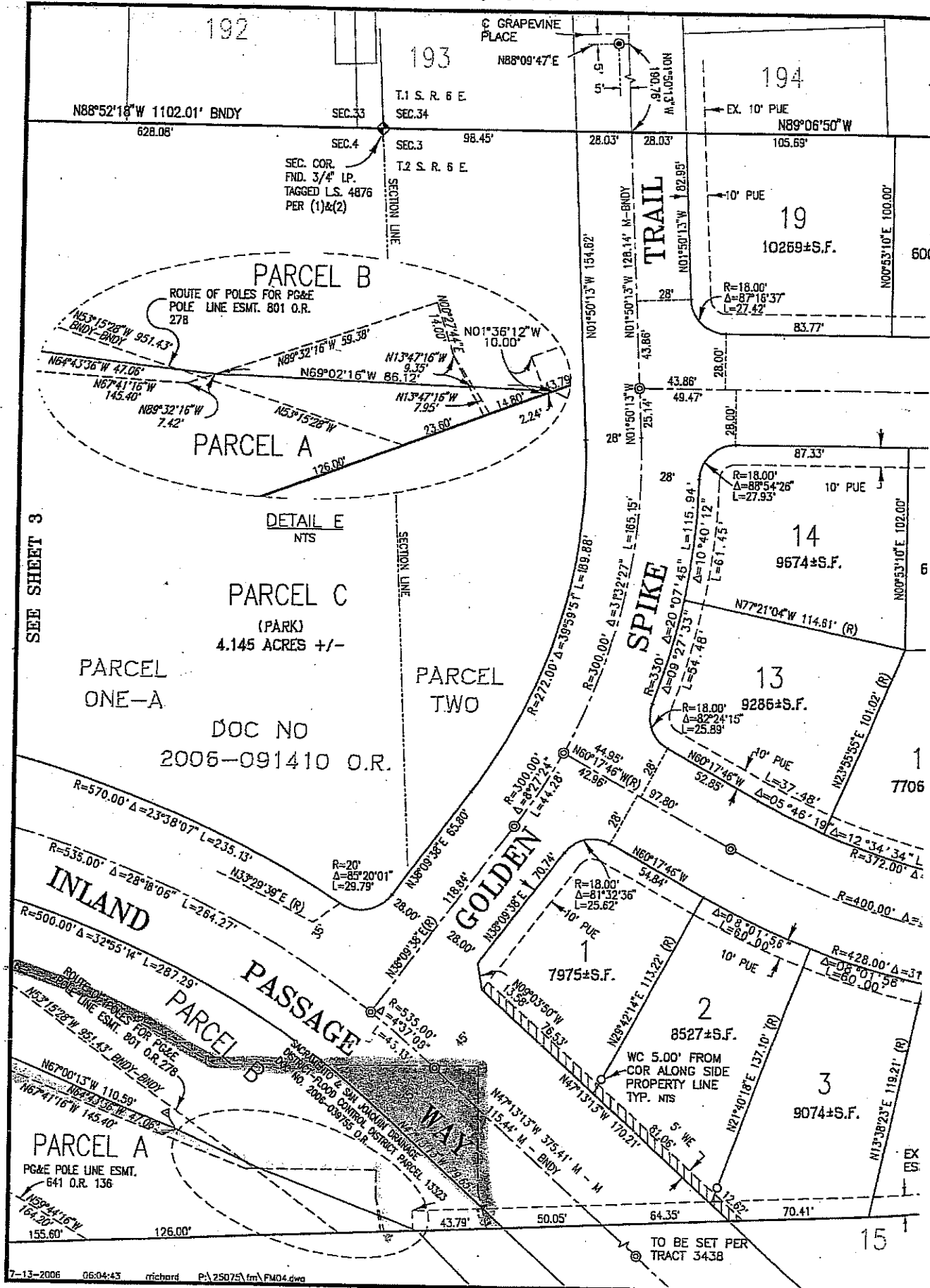
Neudeck presented the CSI report on the District levee and requested permission to present to the State.

Following discussion and on the recommendation of Counsel, it was moved by Widmer, seconded by Robinson that the Engineer should investigate and address each of the anomalies in the 2006 report. Motion carried.

There being no further business, the meeting was adjourned at 11:00 a.m.


Everett E. Conway, Secretary

Area of Encroachment



Proposed Replacement Easement

EXHIBIT "A"
PAGE 4 OF 4

1/4 COR., SEC. 33
STANDARD CITY OF LATHROP
STREET MONUMENT STAMPED
L.S. 6186 PER 23 P.M. 192

TOWNE CENTRE
DRIVE

TRACT 3379
SUBDIVISIONS OF SAN JOAQUIN COUNTY
MOSSDALE LANDING - UNIT NO. 7
39 M.&P. 22

3/4" IRON PIPE
TAGGED LS 4876
31 SURVEYS 22

T 1 S. R 6 E
SEC. 34 SEC. 33
P.O.C.

LANDS OF
KB HOME
CENTRAL VALLEY, INC.
DOC NO.
2006-091410 O.R.
PARCEL ONE-A

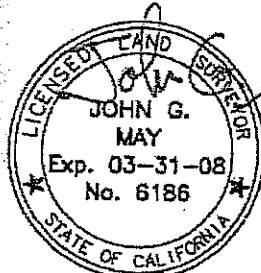
PARCEL ONE-B
DOC NO. 2006-091410 O.R.

RD 17 AND
S.S.I.D. EASEMENT
5.07 ACRES, MORE
OR LESS

PARCEL TWO

DOC. NO. 2006-091410 O.R.

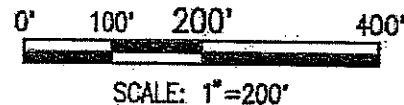
PARCEL 1
23 P.M. 146



9/28/2006

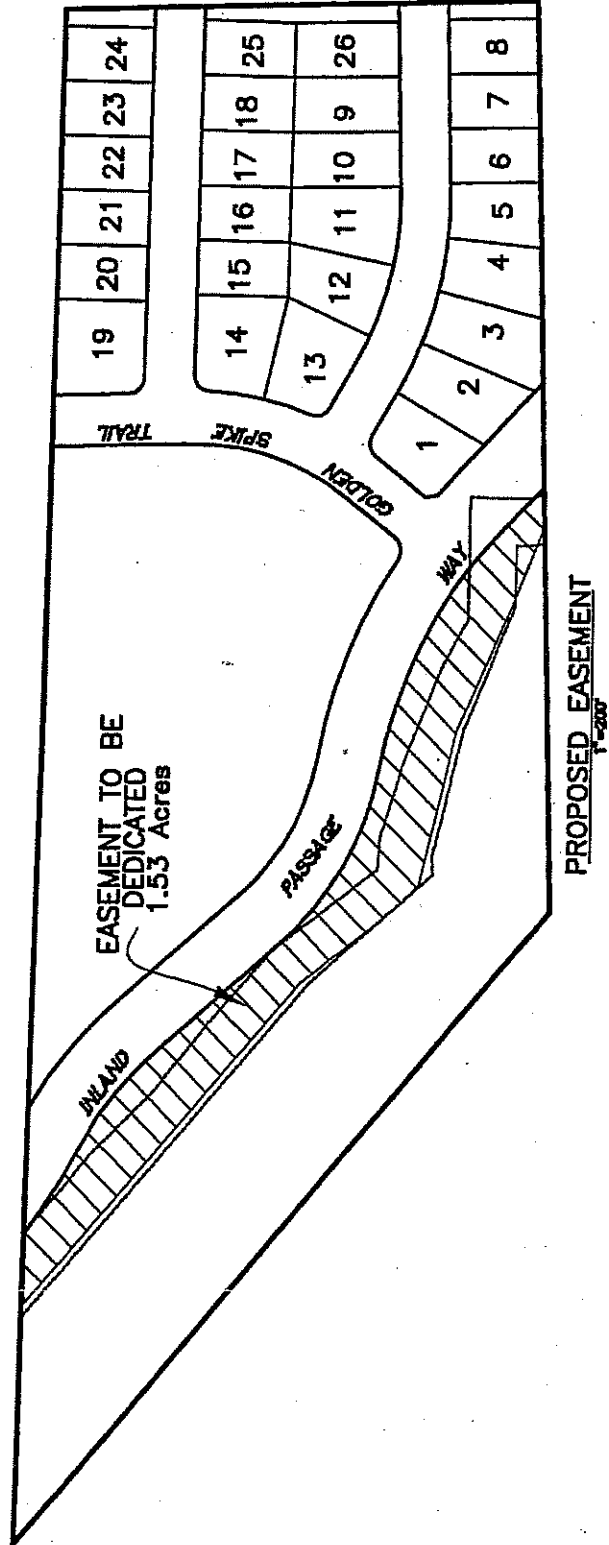
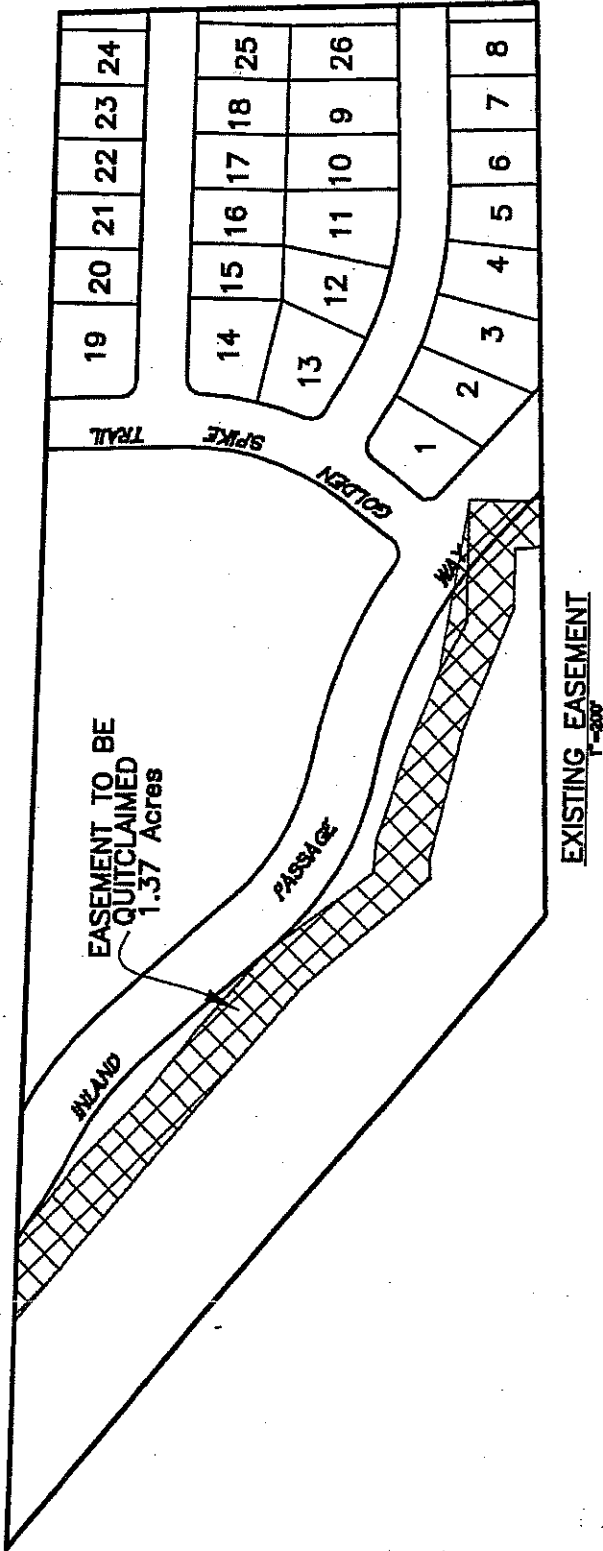
LEGEND

- BOUNDARY OF CONVEYANCE
- EXISTING LOT LINE
- SEC. SECTION
- P.M. PARCEL MAP
- O.R. OFFICIAL RECORDS
- M.&P. MAPS AND PLATS
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- SECTION CORNER
- QUARTER SECTION CORNER



PLAT TO ACCOMPANY DESCRIPTION			
EASEMENT TO BE CONVEYED TO RECLAMATION DISTRICT NO. 17 AND THE SACRAMENTO-SAN JOAQUIN DRAINAGE DISTRICT CITY OF LATHROP COUNTY OF SAN JOAQUIN CALIFORNIA			
MACKEY & SOMPS			
ENGINEERS LATHROP, CA	PLANNERS	SURVEYORS (209) 858-4042	
DRAWN RR	DATE 09/16/06	SCALE 1"=200'	JOB NO. 25075-01

Area to be quitclaimed



EASEMENT QUITCLAIM AND DEDICATION
TRACT 3073 - LATHROP ASSOCIATES
LATHROP CALIFORNIA